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**Fighting for Employee Justice**



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December 26, 2024

**VIA ECF**

Hon. Paul A. Engelmayer  
United States District Court Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

**Re: Susan Competello v. ZCrave, Inc.  
Case No. 1:24-CV-04393-PAE  
Response to Order to Show Cause**

Dear Judge Engelmayer:

Our office represents Plaintiff Susan Competello in the above-referenced matter. We write in response to the Court's Order dated November 15, 2024, requiring Plaintiff to show cause why this case should not be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

Plaintiff initiated this action by filing a Complaint on June 7, 2024 (ECF No. 1). On the same day, a request for a summons was filed, but was returned due to an unknown error. (ECF No. 3).

Unfortunately, due to unforeseen staffing issues in our office, we did not expeditiously address this error or otherwise engage in this matter. Our office experienced significant disruptions following the departure of key personnel, including our lead counsel for the ADA Division and a senior paralegal, both of whom were integral to the management and prosecution of the ADA Division. Their simultaneous departure left the firm without critical resources, resulting in delays in our ability to effectively prosecute this case.

Recently, the firm has undergone restructuring and a new Chief of the ADA Division has been assigned to ensure that there are no future oversights such as the one in this case. We have now fully resolved the staffing issues and have re-established a stable and effective workflow.


Additionally, the Defendant has not been prejudiced by this delay. The Defendant has not yet answered or otherwise responded to the Complaint and no substantive proceedings have occurred that would be adversely affected by the delay. Moreover, the Defendant's website remains non-compliant with the ADA. The Plaintiff in this action is seeking not only monetary damages, but also that Defendant bring their website in compliance with the Web Content Accessibility Guidelines. The only party that would be prejudiced should this Court dismiss the Plaintiff's complaint at this time would be Plaintiff and all other similarly situated visually impaired individuals who remain unable to utilize the Defendant's website.

We respectfully request that the Court issue the summons so that the Complaint can be served forthwith.

Thank you for your understanding and consideration.

The Court directs plaintiff to contact the Clerk of Court regarding the filing error noted at Docket 3 as to the request for issuance of summons. The Court further directs plaintiff, by January 16, 2025, to file, on the docket of this case, proof of service of the Summons and Complaint on defendants.

SO ORDERED.

  
\_\_\_\_\_  
PAUL A. ENGELMAYER  
United States District Judge

Dated: January 2, 2025  
New York, New York

Respectfully submitted,

**JOSEPH & NORINSBERG, LLC**

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cc:

~~PLEASE ADD THE DEFENDANT AND ADDRESS HERE~~